CHAPTER lxxv.

An Act to vest in the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme the properties and liabilities of the trustees of the Newcastle-under-Lyme Marsh Lands to confer further powers upon the said mayor aldermen and burgesses with reference to their gas and electricity undertakings and to make further provision with regard to the health local government and improvement of the said borough and for other purposes. [13th July 1937.]

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WHEREAS the borough of Newcastle-under-Lyme (in this Act called "the borough") is under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas by an Act passed in the twenty-second year of the reign of His Majesty King George III intituled "An Act for inclosing and leasing a piece "of waste land called The Marsh within the parish "and borough of Newcastle-under-Lyme in the county "of Stafford and applying the profits thereof in aid "of the poor's rates of the said parish and borough" (in this Act referred to as "the Act of 1782") certain persons therein named were appointed trustees for the purpose of putting that Act and the several powers therein contained into execution and a piece or parcel of waste land called "the Marsh" was vested in the said trustees and their successors for ever:

22 Geo. 3. c. 29.

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And whereas by the said Act of 1782 powers were conferred upon the said trustees with reference to the making of leases the division of the said land into lots and other matters and it was provided that after making certain payments referred to in the Act the residue and remainder of the money to arise from time to time under or by virtue of the Act after defraying the expenses attending the execution thereof and the trusts vested thereby in the said trustees should be applied to and disposed of in the relief and maintenance of the poor of the said parish and borough and in aid and ease of the poor's rates within the same:

23 Geo. 3. c. 10.

And whereas further powers with reference to the said land were conferred upon the said trustees by an Act passed in the twenty-third year of the reign of His said Majesty King George III intituled "An Act to "amend an Act passed in the twenty-second year "of His present Majesty's reign intituled 'An Act for "'inclosing and leasing a piece of waste land called The "'Marsh within the parish and borough of Newcastle-"'under-Lyme in the county of Stafford and applying "'the profits thereof in aid of the poor's rates of the "'said parish and borough'" (in this Act referred to as "the Act of 1783"):

24 Vict. c. xliii.

And whereas by the Newcastle-under-Lyme Marsh Lands Act 1861 (hereinafter referred to as "the Act of 1861") it was enacted that the persons therein named (being trustees appointed by or elected under the Acts hereinbefore referred to) and being the only persons then living who had at any time since the first day of January eighteen hundred and fifty-six acted as trustees under the said Acts and the further trustees to be thereafter elected under the said Acts in order to make up the number of trustees to twenty-four and the successors of such existing and further trustees to be from time to time elected under the said Acts or either of them should thenceforth be called "the Trustees of the Newcastle-under-Lyme Marsh Lands" and by that name should be a body corporate with powers to purchase take and hold and sell and convey lands hereditaments and other properties for any of the purposes of the Act of 1861:

And whereas by the Act of 1861 all the estate right and interest of the trustees under the Acts of 1782

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and 1783 in the lands hereinbefore referred to and in the other property therein mentioned were absolutely vested in the trustees incorporated by the Act of 1861 in fee simple and those trustees were empowered to divide and sell or let such lands and other powers with regard thereto were conferred upon such trustees:

And whereas the estate now vested in and belonging to the trustees consists of the lands buildings properties funds rights and privileges set forth in the First Schedule to this Act:

And whereas it is expedient that the property rights and liabilities now vested in the trustees should be transferred to the Corporation and that the trustees should be dissolved:

And whereas it is expedient to confer further powers upon the Corporation with reference to the acquisition retention disposal and development of lands:

And whereas the Corporation are the owners of the undertakings whereby the borough is supplied with gas and electricity and it is expedient to confer further powers upon the Corporation with reference to their gas and electricity undertakings and the supply of gas and electricity by them:

And whereas it is expedient to make further provision with regard to streets buildings and camping grounds in the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough be enlarged as by this Act provided:

And whereas it is expedient to provide for the establishment of a consolidated loans fund by the Corporation and to make further provision with regard to the finances of the Corporation and the application of the revenues of their several undertakings:

And whereas it is expedient that the other provisions contained in this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed: 23 & 24 Geo. 5. c. 51.

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May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Newcastle-under-Lyme Corporation Act 1937.

Division of Act into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.
Part II.—Marsh Estate and other lands.
Part III.—Gas.
Part IV.—Electricity.
Part V.—Streets and buildings.
Part VI.—Sewers and drains.
Part VII.—Disease and sanitary provisions.
Part VIII.—Food.
Part IX.—Camping grounds.
Part X.—Financial provisions.
Part XI.—Miscellaneous provisions.

Incorporation of Acts.

3. The Lands Clauses Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act (except the provisions of those Acts with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845).

8 & 9 Vict. c. 18.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

26 Geo. 5. & 1 Edw. 8. c. 49.

(2) In this Act unless the subject or context otherwise requires—

"The borough" means the borough of Newcastle-under-Lyme;

"The Corporation" means the mayor aldermen and burgesses of the borough;

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the surveyor" "the medical officer" and "the sanitary inspector" mean respectively the town clerk the treasurer the surveyor the medical officer of health and any sanitary inspector of the borough;

"The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

"The county council" means the county council of the administrative county of Stafford;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; 9 & 10 Geo. 5. c. 57.

"The Act of 1936" means the Public Health Act 1936;

"The Act of 1922" means the Local Government and other Officers' Superannuation Act 1922; 12 & 13 Geo. 5. c. 59.

"The Act of 1933" means the Local Government Act 1933;

"The Act of 1782" means the Act passed in the twenty-second year of the reign of His Majesty King George III intituled "An Act "for inclosing and leasing a piece of waste "land called The Marsh within the parish "and borough of Newcastle-under-Lyme in the "county of Stafford and applying the profits "thereof in aid of the poor's rates of the said "parish and borough";

"The Act of 1783" means the Act passed in the twenty-third year of the reign of His Majesty King George III intituled "An Act "to amend an Act passed in the twenty-second "year of His present Majesty's reign intituled

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Part I. —*cont.*

" ' An Act for inclosing and leasing a piece " ' of waste land called The Marsh within the " ' parish and borough of Newcastle-under- " ' Lyme in the county of Stafford and applying " ' the profits thereof in aid of the poor's rates " ' of the said parish and borough ' ";

" The Act of 1861 " means the Newcastle-under-Lyme Marsh Lands Act 1861;

" The Marsh Lands Acts " means the Act of 1782 the Act of 1783 and the Act of 1861;

" The trustees " means the trustees of the Newcastle-under-Lyme Marsh Lands appointed by or elected under the Marsh Lands Acts;

" The appointed day " means the first day of January nineteen hundred and thirty-eight;

" The Marsh Estate " means the lands and other property of the trustees which are described in the First Schedule to this Act and all other the real and personal property of the trustees together with all rights privileges claims and demands whatsoever which immediately before the appointed day are vested in or belong to or are held on behalf of the trustees;

" The gas limits " means the limits within which the Corporation are for the time being authorised to supply gas;

" The electricity limits " means the limits within which the Corporation are for the time being authorised to supply electricity;

" The Marsh Estate undertaking " means the undertaking of the Corporation which comprises the Marsh Estate;

" The gas undertaking " and " the electricity undertaking " means the gas and electricity undertakings of the Corporation respectively;

" The Corporation undertakings " means the Marsh Estate undertaking the gas undertaking the electricity undertaking and the markets baths and cemeteries undertakings of the Corporation and any other undertaking of the Corporation as from time to time existing from which revenue is derived;

Part I. —*cont.*

"Telegraphic line" has the same meaning as in the Telegraph Act 1878; 41 & 42 Vict. c. 76.

"Daily penalty" means a penalty for each day on which an offence is continued after conviction;

"Poultry" has the meaning assigned to it by section 1 of the Diseases of Animals Act 1935; 25 & 26 Geo. 5. c. 31.

"Food" has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928; 18 & 19 Geo. 5. c. 31.

"Moveable dwelling" has the meaning assigned to it by section 269 of the Act of 1936;

"Statutory borrowing power" includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (*a*) of subsection (1) of section 215 of the Act of 1933;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Corporation; 38 & 39 Vict. c. 83.

"Authorised security" means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;

"Revenues of the Corporation" includes the general rate fund and all rates exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Corporation;

"The Minister" means the Minister of Health.

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PART I. —*cont.*

Commencement of certain Parts of Act.

5. The following Parts of this Act shall not come into operation until the first day of October nineteen hundred and thirty-seven and shall come into operation on that day (that is to say) :—

Part V.—Streets and buildings;

Part VI.—Sewers and drains;

Part VII.—Disease and sanitary provisions;

Part VIII.—Food.

PART II.

MARSH ESTATE AND OTHER LANDS.

Commencement of this Part of Act.

6. This Part of this Act shall except so far as may be otherwise expressly provided come into operation on the appointed day.

Property and liabilities of trustees transferred to Corporation.

7.—(1) On the appointed day the trustees shall be dissolved and as from that date the Marsh Estate shall by virtue of this Act be transferred to and vested in the Corporation for the same estates and interests respectively and subject to the same charges and incumbrances for and subject to which the same would have been held by the trustees if this Act had not been passed and subject to the provisions of this Act all liabilities and obligations which immediately before the appointed day attached to the trustees shall by virtue of this Act be transferred and attach to the Corporation.

(2) A certificate of the town clerk to the effect that the stock referred to in the First Schedule to this Act or any part of such stock is comprised within the Marsh Estate shall be a sufficient authority to the Bank of England to transfer such stock or such part thereof into the name of the Corporation.

Powers and duties of trustees prior to appointed day.

8. The trustees shall continue to discharge and execute their powers rights and privileges until the appointed day in the same manner as heretofore but the trustees shall not without the consent of the Corporation expend any money on capital account between the date of the passing of this Act and the appointed day.

Officers to account.

9. All officers and persons who have or shall have in their possession or under their control any money books documents deeds bonds papers writings or effects belonging to the trustees or to which the trustees were at the commencement of this Act or but for this Act would be entitled shall be liable to account for and to deliver up and shall account for and deliver up the same to or to the order of the Corporation in like manner and subject to the like process and penalties for refusal or neglect as if such officers or persons had originally been appointed by or become possessed of such money books documents deeds bonds papers writings or other effects or any of them for and on behalf of the Corporation.

Compensation to existing officers of trustees.

10.—(1) Every officer or servant of the trustees who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of fees salary or emoluments and for whose compensation for that loss provision is not made by any other enactment for the time being in force shall be entitled to compensation from the Corporation for that loss.

15 & 16 Geo. 5. c. 90.

(2) The provisions contained in the Sixth Schedule to the Rating and Valuation Act 1925 shall apply to the determination and payment of compensation under this section to officers and servants of the trustees and for the purpose of those provisions the Corporation shall be the compensating authority Provided that in the application of the provisions of the said schedule to the determination and payment of compensation paragraph 2 of the said schedule shall be read as if the words " after he has attained the age of eighteen years " were inserted after the word " officer " where that word secondly appears in that paragraph.

Actions &c. not to abate.

11. If on the appointed day any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the trustees the same shall not abate or be discontinued or in anywise prejudicially affected by reason of anything in this Act contained but the same may be continued prosecuted and enforced by against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by against or in favour of the trustees if this Act had not been passed.

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PART II. —*cont.*

Contracts &c. to be binding on Corporation.

12. All agreements conveyances contracts deeds and other instruments entered into or made by the trustees and subsisting on the appointed day shall be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the trustees the Corporation had been a party thereto.

Books &c. to remain evidence.

13. All books and documents which if the transfer of the Marsh Estate had not been made would have been evidence in respect of any matter for or against the trustees shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

As to repeal and application of Marsh Lands Acts.

14.—(1) The following provisions of the Marsh Lands Acts are hereby repealed as from the appointed day (namely) :—

(*a*) The sections of the Act of 1782 of which the marginal notes are as follows :—

"First meeting of trustees Power of adjournment";

"Method of electing new trustees";

"Qualification of trustees";

"Trustees not to hold any place of profit";

"Oath";

"Trustees impowered to make leases";

"Dividing ground into lots";

(*b*) The sections of the Act of 1783 of which the marginal notes are as follows :—

"Trustees impowered to make leases";

"Dividing ground into lots";

(*c*) Sections 5 to 12 inclusive and 15 to 34 inclusive of the Act of 1861.

(2) The unrepealed provisions of the Marsh Lands Acts shall so far as applicable and with any necessary modifications be read and have effect as if the Corporation were referred to therein instead of the trustees and as if the town clerk were referred to therein instead of the clerk for the time being of the trustees and those

provisions so modified shall apply as fully and effectually to and in connection with the Marsh Estate in the hands of the Corporation as they applied to and in connection with the same in the hands of the trustees before the appointed day.

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PART II.
—*cont.*

Power to develop lands &c.

15.—(1) The Corporation may—

(*a*) with the consent of the Minister lay out and develop any lands forming part of the Marsh Estate and any other lands at any time belonging to the Corporation and not required for the purposes for which they were acquired;

(*b*) redeem or purchase or contract to purchase any chief rent tithe or other rent or rentcharge affecting the said lands or any part thereof;

(*c*) erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

(2) The Corporation may use or dispose of the building or other materials of any houses or premises on any lands transferred to or vested in or acquired or appropriated by them which they may deem it necessary or desirable to pull down.

Persons under disability may grant easements &c.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Compensation may be in land &c.

17. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such

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PART II. —*cont.*

person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any Government department is required only with such consent.

Retention and disposal of lands.

18.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Corporation may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

26 Geo. 5. & 1 Edw. 8. c. 51.

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained:

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation other than lands acquired under any local Act applying to the Corporation in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease

or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Proceeds of sale of lands.

19.—(1) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands forming part of the Marsh Estate or any lands acquired by them under the powers of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall (subject to the provisions of the section of this Act of which the marginal note is " Consolidated loans fund ") apply the same either—

(*a*) in or towards the extinguishment of any loan raised by them under the powers aforesaid such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(*b*) in such other manner as may be approved by the Minister.

(2) All capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any public general Act from time to time in force in the borough or under any local enactment (other than this Act) shall be applied in the same manner as capital moneys received under such public general Act or local enactment are applicable or in such other manner as may be approved by the Minister.

Power to reinstate owners of property.

20. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any general or local enactment from time

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PART II. —*cont.*

to time in force in the borough with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Powers with reference to leases of surplus lands.

21.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of any Act or Provisional Order and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such times and on such terms and conditions as may be determined by the Corporation in their discretion.

(3) Provided that any such lease granted by the Corporation shall be subject to similar conditions and limitations as are prescribed in the provisoes to subsection (1) of the section of this Act of which the marginal note is "Retention and disposal of lands" with respect to leases granted thereunder.

Power to Corporation to advance money for erection of buildings.

22.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired by them under this Act and with the consent of the Minister to the purchaser or lessee of any other lands belonging to the Corporation and not required for the purposes for which they were acquired for the purpose of enabling or assisting him to erect buildings on such land provided that any advance shall not exceed nine-tenths of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

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PART II. —*cont.*

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being prescribed by the Minister for the purposes of loans under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 (2) of the Housing Act 1935 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

25 & 26 Geo. 5. c. 40.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to) or a multiple of one hundred pounds (or such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipt for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

(6) The Corporation shall have power to enter the building in respect of the erection of which any advance

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Part II. —*cont.*

is made by them by any person authorised by them in writing for the purpose at all reasonable times for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

Part III.

Gas.

As to streets forming boundary of gas limits.

23.—(1) Where the gas limits are bounded by or abut upon any street or part of a street wholly outside those limits the Corporation may for the purpose of supplying gas to the owner or occupier of any premises abutting upon that street or part of a street and being within the gas limits exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the gas limits subject nevertheless to the observance of the conditions imposed on an exercise of those powers therein.

(2) Nothing in this section shall entitle or require the Corporation to supply gas to the owner or occupier of any premises abutting upon any such street or part of a street and being outside the gas limits.

(3) In this section the word "street" includes any square court or alley highway lane road thoroughfare or public passage or place.

Supply to premises partly without gas limits.

24. The Corporation may supply gas to any house building or premises which or the curtilage of which is partly within and partly outside the gas limits in the same manner as if those premises were wholly within such limits:

Provided that the Corporation shall not supply gas under this section to any premises within the limits

of any other local authority company or person authorised to supply gas without the consent of such local authority company or person as the case may be which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Board of Trade.

Power to lay connecting pipes in certain cases.

25.—(1) For the purpose of supplying gas to any premises to which the Corporation are for the time being authorised to supply gas the Corporation may lay down place maintain and use pipes in order to connect such premises to a service pipe already laid by the Corporation for the purpose of affording a supply of gas to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers.

10 & 11 Vict. c. 15.

(2) For the purposes of this section the Gasworks Clauses Act 1847 shall apply as if section 7 of that Act were excepted from incorporation in any enactment relating to the gas undertaking.

(3) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to a railway company.

Power to give separate supply for industrial purposes.

26. Subject to the provisions of this Act in that behalf the Corporation shall have power to give by agreement within the gas limits a separate supply of gas for industrial purposes only (in this Act referred to as " an industrial supply ").

Conditions as to quality of industrial supply.

27.—(1) It shall not be lawful for the Corporation at any time to supply under the power conferred by the last preceding section of this Act gas which does not possess a distinctive and readily perceptible smell.

(2) For every contravention of this section the Corporation shall be liable to a penalty not exceeding fifty pounds.

(3) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions

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PART III. —*cont.*

of this section within their districts so far as respects factories workshops and mines inspected by them respectively and those inspectors shall for this purpose have all powers and authorities conferred by section 119 of the Factory and Workshop Act 1901 by section 98 of the Coal Mines Act 1911 and by section 17 of the Metalliferous Mines Regulation Act 1872 respectively:

1 Edw. 7. c. 22.
1 & 2 Geo. 5. c. 50.
35 & 36 Vict. c. 77.

Provided that no proceedings shall be taken against the Corporation by any inspector in respect of any contravention of the provisions of this section discovered by him on any inspection of a factory workshop or mine unless he shall have given notice in writing to the Corporation of the contravention as soon as possible after he shall have discovered it.

Restrictions on industrial supply.

28.—(1) An industrial supply may be given and used only for consumption in industrial premises (that is to say any factory workshop or mine within the meaning of the Factory and Workshop Act 1901 the Coal Mines Act 1911 or the Metalliferous Mines Regulation Act 1872 as the case may be) for purposes other than domestic purposes and shall not be given or used for the purposes of illumination whether domestic or otherwise.

(2) An industrial supply shall not be given by the Corporation or received by any person except by means of mains or pipes used only for the purposes of an industrial supply.

(3) If any person receiving an industrial supply from the Corporation shall use the same for the purpose of illumination or for any domestic purpose the Corporation shall forthwith upon becoming aware of such use discontinue the supply.

(4) If the Corporation act in contravention of the provisions of this section they shall for every offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Home Secretary may make regulations as to industrial supply.

29.—(1) At any time either before or after the Corporation shall have commenced to give an industrial supply the Secretary of State may (after holding such inquiries as he may think fit and considering any representations made to him by the Corporation) make or impose in the interests of safety to persons regulations terms and conditions with respect to such supply.

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PART III. —*cont.*

(2) The Corporation shall not under the powers of this Act give or continue an industrial supply otherwise than in accordance with any regulations and upon and subject to any terms and conditions which shall have been so made or imposed and shall for the time being be in force:

Provided that if in the opinion of the Corporation compliance with any of those regulations terms and conditions would render the giving or continuance of an industrial supply by them unremunerative or impracticable it shall be lawful for the Corporation after giving to every person so supplied by them not less than three months' notice in writing of their intention so to do discontinue the supply and in that event the Corporation shall not be under any obligation to give or to continue an industrial supply to any person.

(3) For every contravention of this section the Corporation shall be liable on summary conviction to a penalty not exceeding fifty pounds.

(4) For the purpose of enforcing this section or for the purpose of any inquiry by the Secretary of State thereunder inspectors of factories and inspectors of mines shall have such and the like powers and authorities as are conferred by the enactments referred to in the section of this Act of which the marginal note is "Conditions as to quality of industrial supply."

For prevention of improper use of gas.

30. If any person supplied with gas by the Corporation improperly uses or deals with the same so as to interfere with the efficient supply of gas by the Corporation to any other consumer the Corporation may if they think fit cease to supply gas to such person.

As to recovery summarily of sums due for fittings.

31. If the Corporation commence proceedings for the summary recovery of a sum due to them for a supply of gas any other sum or sums due or payable to the Corporation by the same consumer in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of gas or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily together with the sum due for the supply of gas provided the sum

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so included as aforesaid does not exceed twenty pounds in any one summons.

PART III.

—*cont.*

Amendment of section 28 of Order of 1932.

32. Section 28 (Power to take licences for use of patents) of the Newcastle-under-Lyme Gas Order 1932 shall be read and have effect as if the following words were added at the end thereof (namely) :—

"The Corporation may also join with the inventor of any invention relating to the business of the gas undertaking in applying for and obtaining any such letters patent."

Provision of gas meter testing station. 22 & 23 Vict. c. 66. 23 & 24 Vict. c. 146.

33.—(1) Notwithstanding anything contained in the Sale of Gas Act 1859 or the Sale of Gas Act 1860 the justices of the peace in and for the borough may at any time after the passing of this Act by resolution adopt the said Acts of 1859 and 1860.

(2) The said justices may from time to time delegate any of their powers and duties under the said Acts or either of them (except the appointment or dismissal of an inspector or inspectors of gas meters) to a committee of their own body.

PART IV.

ELECTRICITY.

Acquisition of land for sub-stations.

34.—(1) The Corporation may be authorised to purchase land within the electricity limits compulsorily for the purpose of the erection thereon in pursuance of the powers of the Acts and Orders relating to the electricity undertaking of a station for transforming converting or distributing electricity by means of an order made by the Corporation and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of section 161 of the Act of 1933 and of the Sixth Schedule to that Act and the provisions of that section and schedule with any necessary modifications and also where applicable of section 174 of the Act of 1933 shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister :

Provided that the restrictions contained in paragraphs (*a*) (*b*) and (*c*) of section 179 of the Act of 1933

shall apply to any such order and that the provisions of section 162 of that Act shall have effect with respect to the validity of any such order :

Provided also that anything which under the said provisions of the Act of 1933 has to be prescribed shall for the purposes of this section be prescribed by the Minister of Transport in such manner as he may think fit.

(2) Nothing in this section or in any order made thereunder shall authorise the compulsory acquisition of any land which at the date of the order forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house or which at that date forms part of any premises occupied as a factory or workshop within the meaning of the Factory and Workshop Act 1901 or which has been acquired for the purposes of any such factory or workshop or which at that date forms part of any land which is in use as an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same. 10 & 11 Geo. 5. c. 80.

(3) If an order is made under this section for the purchase of land which any person has specific statutory power to acquire compulsorily such person shall be entitled to make objection to the Minister of Transport to the confirmation of such order and any such objection if duly made shall for the purpose of the said section 161 as applied by this section be deemed to have been made by a person upon whom notice is required to be served.

Further provisions as to wayleaves.

35. The Corporation may agree with the owner or occupier of any land across which any electric line has been placed or across which it is intended by the Corporation to place any such line in either case under the provisions of section 22 of the Electricity (Supply) Act 1919 that a term or condition upon which they may place the said line across such land shall be the payment by the Corporation to such owner or occupier of a sum of money in gross and the payment of such sum of money shall if so agreed between the parties secure for the Corporation as against such owner or occupier (as the case may be) and his executors administrators successors and assigns the right to retain and maintain such line across the said land for such period as may be agreed. 9 & 10 Geo. 5. c. 100.

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PART IV. —*cont.*

Power to lay down connecting lines in certain cases.

36.—(1) For the purpose of supplying electricity to any premises to which the Corporation are for the time being authorised to supply electricity the Corporation may lay down place maintain and use electric lines in order to connect such premises to a service line already laid by the Corporation for the purpose of affording a supply of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to such premises and adjoining premises.

(2) In relation to any such electric lines as aforesaid the Corporation shall have the powers and be subject to the provisions of sections 17 18 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable shall be incorporated with this Act and the Corporation shall be deemed to be the undertakers.

62 & 63 Vict. c. 19.

(3) The provisions of section 14 of the said schedule so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Corporation of any electric line under the provisions of this section.

(4) In this section the expression "electric line" shall have the same meaning as in the Electric Lighting Act 1882.

45 & 46 Vict. c. 56.

(5) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to a railway company.

Attachment of brackets &c. to buildings and bridges.

37.—(1) Notwithstanding anything contained in section 7 of the Gasworks Clauses Act 1847 the Corporation may within the electricity limits with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking.

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld or has been given subject to conditions which the Corporation are unwilling to accept they may make complaint to a court of summary jurisdiction

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PART IV. —*cont.*

who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

(*a*) any building forming part of an aerodrome; or

(*b*) any building which the owner thereof alleges to be a building of architectural or historic interest;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or has been given subject to conditions which the Corporation are unwilling to accept they may appeal to the Minister of Transport and the said Minister may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments:

Provided that the Minister of Transport shall—

(i) before exercising his powers under this section in relation to any building forming part of an aerodrome consult with the Secretary of State for Air;

(ii) before exercising his powers under this subsection with respect to any building alleged to be of architectural or historic interest consult with the Commissioners of Works.

(4) No attachments shall be affixed to any bridge of the county council or to any bridge or other work of any railway company without the previous consent in writing of the county council or that company as the case may be and such consent may be given subject to reasonable terms and conditions but shall not be unreasonably withheld and any question as to whether or not such consent is unreasonably withheld or is given subject to unreasonable terms and conditions shall be determined by the Minister of Transport.

(5) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be

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PART IV. —*cont.*

the owner of the building or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments:

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(6) Where any attachments have been affixed under this section to any building or bridge the owner of the building or bridge may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(7) In this section—

the expression "owner"—

(*a*) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building;

(*b*) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(*c*) in relation to a building forming part of an aerodrome (notwithstanding anything in this subsection) the person having control of the aerodrome;

the expression "aerodrome" means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same; and

the expression "rack rent" means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building.

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PART IV, —*cont.*

Power to construct electrical sub-stations under streets.

38. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1936 and to the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use and being in either case a street within the electricity limits construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient:

Provided that—

(*a*) Where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same; and

(*b*) The Corporation shall not construct any such sub-station transforming station or work (i) in or upon any bridge carrying a street over a railway of a railway company or the immediate approaches to any such bridge or under any bridge carrying a railway of a railway company over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company which consent shall not be unreasonably withheld or (ii) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

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Power to break up private streets.

39. If the owner or occupier of any premises erected or in process of erection within the electricity limits on land abutting on any street laid out as such but not dedicated to the public use or if so dedicated not repairable by the local authority (including a county council) applies to the Corporation for a supply of electricity to those premises then—

(*a*) so much of any Act or Order applying to the Corporation as requires the consent of the person by whom the street is repairable to the breaking up by the Corporation of the street shall not have effect in relation to the street;

(*b*) the Gasworks Clauses Act 1847 in its application to the Corporation shall have effect in relation to the land comprised in that street as if section 7 thereof had been excepted from incorporation with the enactments applying to the Corporation; and

(*c*) except in the case of such streets as are referred to in the proviso to this section the authority who would be responsible for the maintenance and repair of the street if it were repairable by the inhabitants at large shall have the like rights under section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 as are thereby conferred on the person by whom the street is repairable:

Provided that nothing in this section shall apply to any street belonging to and forming the approach to any station or depot of any railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Penalty for interference with works.

40. If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully interfere with any electric line or other work or apparatus used for or in connection with the supply of electricity by the Corporation or do or cause to be done anything which is calculated to interfere with or damage any such work or apparatus he shall for every such offence (without prejudice to any other liability or cause of action which

may arise out of or by reason of such act) be liable to a penalty not exceeding five pounds.

Interference with works with intent to cut off supply of electricity.

41.—(1) Any person who unlawfully and maliciously cuts injures or tampers with any electric line or work of the Corporation with the intent to cut off or injuriously affect the supply of electricity by the Corporation shall be guilty of a misdemeanour and be liable on conviction on indictment to imprisonment for any term not exceeding two years but nothing in this section shall exempt the person from any proceeding for any offence which is punishable under any provision of the Electricity (Supply) Acts 1882 to 1936 or under any other Act or the common law but so that no such person be punished twice for the same offence.

(2) The Electric Lighting Act 1882 in its application to the Corporation shall be read and have effect as if section 22 of the said Act was hereby repealed.

Maximum prices.

42.—(1) The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be those stated in the Second Schedule to this Act.

(2) Section 25 (Maximum prices) of the Newcastle-under-Lyme Electric Supply Order 1899 and the Fourth Schedule to that Order are hereby repealed.

Minimum charges for electricity.

43. The minimum charges per quarter which are specified in the Second Schedule to this Act shall be paid to the Corporation by the occupier of any premises connected to a distributing main of the Corporation in respect of each quarter of any year during the whole or any part of which quarter such premises are so connected whether electricity has actually been consumed on such premises or not during the currency of such quarter.

Use for one purpose of electricity supplied for another purpose.

44.—(1) In this section—

"specifically supplied" means supplied by the Corporation through a meter fixed for the purpose of ascertaining the cost of the supply to a consumer of electricity agreed to be supplied to him for a particular purpose only;

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PART IV. —*cont.*

"higher rated purposes" means any purpose for the supply of electricity for which the Corporation are for the time being charging at a rate or upon terms higher than the rate or terms at or upon which the Corporation are for the time being charging for the supply of electricity for any purpose for which electricity is being specifically supplied to a consumer;

"last quarterly reading" means the quarterly reading of a consumer's meter or meters that shall take place next before the date when the Corporation shall sue for any penalty under this section.

(2) Any consumer who without the consent in writing of the Corporation shall use or suffer to be used (whether after transformation or conversion or not) for a higher rated purpose any electricity specifically supplied to him shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay to the Corporation compensation calculated in accordance with this section.

(3) For the purpose of calculating the compensation to be paid to the Corporation under this section there shall be ascertained—

(*a*) the sum which the consumer would have been liable to pay to the Corporation for electricity supplied to him during the year expiring on the date of the last quarterly reading if all such electricity had been supplied to him for the higher rated purpose for which any electricity specifically supplied to him shall have been used in contravention of the provisions of this section; and

(*b*) the sum which the consumer would have been liable to pay to the Corporation for all electricity supplied to him during the like period if the electricity specifically supplied to him during that period had been used for the purpose for which it was specifically supplied;

and the amount of the compensation to be paid to the Corporation under this section shall be the difference between the two sums ascertained as aforesaid.

(4) If in any proceedings for the recovery of compensation under this section the defendant shall prove that he has used electricity or suffered electricity to be used in contravention of the provisions of this section for a less period than a year the court may reduce proportionately the amount of the compensation calculated in accordance with the provisions of subsection (3) of this section.

(5) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be using or suffering to be used for a higher rated purpose electricity specifically supplied to him. 9 Edw. 7. c. 34.

Sale of electrical apparatus let on hire.

45. If any owner or occupier of premises who has hired from the Corporation any electric line fitting apparatus or appliance (in this section referred to as "fittings") sells or leaves the premises in which such fittings are fixed or fastened and the next owner or occupier of those premises desires to purchase instead of to hire those fittings the Corporation may notwithstanding anything contained in the Electricity (Supply) Acts 1882 to 1936 sell those fittings to such next owner or occupier upon such terms and conditions as may be agreed between him and the Corporation.

As to recovery summarily of sums due for fittings.

46. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

Further powers as to entry upon premises.

47.—(1) The powers conferred on the Corporation by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows:—

(*a*) The premises which may be entered shall include all premises in the electricity limits in

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Part IV. —*cont.*

which electric fittings are being or have been installed with a view to taking a supply of electricity from the Corporation;

(*b*) The purposes for which premises may be entered shall include the following purposes (that is to say) the inspection of all meters and electric fittings on the premises whether belonging to the Corporation or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Corporation or of any regulation or byelaw made thereunder and (where the Corporation are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply.

The Corporation shall not have any power of entry into any such premises except by an officer duly authorised by the Corporation who shall if so required produce his authority.

(2) Any person who shall refuse to admit any such officer to any premises which the Corporation are entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section "electric fittings" include electric lines meters accumulators fittings works and apparatus for the supply of electricity.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by a railway company for the purposes of their railway or forming part of any station or goods depot.

As to use of transformers.

48. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may subject to the provisions of the agreement under which the transformer was provided use

such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided so however that the powers conferred by this section shall not enable the Corporation to extend the transformer so provided beyond the limits of the original site thereof.

As to maximum power which may be demanded.

49. Except in the case of electricity supplied in pursuance of any agreement the maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for the premises of such consumer Any question as to whether the provisions of this section apply and if so the sum to be paid shall be determined in default of agreement by arbitration in the manner provided by the Electricity (Supply) Acts 1882 to 1936.

For determining stand-by supplies. 12 & 13 Geo. 5. c. 46.

50. If any question shall arise under section 23 of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of electricity is required the same shall in default of agreement be determined by arbitration in manner provided by the Electricity (Supply) Acts 1882 to 1936.

Provisions as to supply of electricity by agreement.

51. A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and—

(*a*) the provisions of that section shall apply to the supply afforded by the Corporation under such agreement;

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(*b*) any failure on the part of the Corporation to supply energy to such consumer under the agreement shall not render them liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that—

(i) the provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions; and

(ii) nothing in this section shall apply in relation to any agreement which expressly excludes the application of this section.

Corporation may refuse to supply electricity in certain cases.

52. The Corporation may refuse to supply electricity to any person from whom payment for the supply of electricity or meter rent is for the time being in arrear (not being the subject of a bona fide dispute) whether the payment be due to the Corporation in respect of the premises for which a supply is demanded or in respect of other premises.

For prevention of improper use.

53.—(1) If any consumer uses or deals with the electricity supplied to him by the Corporation in such manner as to interfere improperly with the efficient supply of electricity by the Corporation to any other consumer the Corporation may if they think fit in case of emergency cut off the supply of electricity to the first-mentioned consumer and discontinue the supply of electricity to him until he has agreed to cease to use or deal with the electricity supplied to him in the manner complained of but no longer.

(2) If any difference arises under this section as to any improper use of electricity the same shall be determined by arbitration in manner provided by the Electricity (Supply) Acts 1882 to 1936.

Period of error in defective meters.

54.—(1) Where a meter supplied by the Corporation to a consumer is found on a test to register erroneously to a degree exceeding the degree permissible as respects meters of the class to which the

meter belongs it shall in the absence of agreement to the contrary be deemed to have registered erroneously to the degree so found from the penultimate date on which the register of the meter was ascertained before the date on which the meter was tested or removed for the purpose of the test except in a case where the meter is proved to have begun to register erroneously as aforesaid on some date after such penultimate date.

(2) The amount of the allowance to be paid to or the surcharge to be made upon such consumer by the Corporation shall be paid by or to the Corporation as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable.

(3) The Corporation shall notify the consumer at least forty-eight hours in advance of any test of his meter and shall notify the consumer of the result of the test.

(4) Nothing in this section shall affect the rights of the Corporation under section 38 of the Gasworks Clauses Act 1871 (which relates amongst other things to the injuring of meters). 34 & 35 Vict. c. 41.

Charges for special readings of electricity meters.

55. The Corporation may make and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading.

Protection of seals &c. belonging to Corporation.

56.—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or who opens or suffers to be opened any such sealed or locked receptacle meter or apparatus as they apply to persons who wilfully fraudulently or by culpable negligence injure or suffer to be injured meters belonging to the Corporation.

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(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Corporation and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

Form of notice by consumer to discontinue supply.

57.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation.

(2) Notice of the effect of this section shall be endorsed on any demand note for charges for electricity.

Service of electricity demand notes.

58. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

PART V.

STREETS AND BUILDINGS.

Frontage line in new streets.

59.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactment or byelaw with respect to streets and buildings from time to time in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within one month after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any

highway authority) already formed upon which buildings have not already been erected. A.D. 1937. PART V. —*cont.*

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the one month aforesaid without their approval nor without the approval of the Corporation beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation. 51 & 52 Vict. c. 52.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force within the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be

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—*cont.*

determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

Adjustment of boundaries of streets.

60.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that—

(*a*) before entering into any such agreement for the adjustment of the boundary of any such street which is a county road the Corporation shall consult the county council and shall consider any observations which the county council may make in regard thereto;

(*b*) no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and during such period of one month any four inhabitant householders of the borough by themselves or their agent or the county council if the street is a county road (whether the Corporation shall have claimed to exercise the functions of maintenance and repair of such street or not) may appeal to a court of summary jurisdiction against the proposals and subsections (2) to (7) of the section of this Act of which the marginal note is "As to appeals" shall apply to any such appeal as if the proposals were a decision of the Corporation.

(3) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect

of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act.

(4) Nothing in this section shall be taken to dispense with the consent of any Government department to any appropriation exchange or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Adjustment of boundaries of estates.

61.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or money received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Development scheme may be required in connection with new streets.

62.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the applicant or the person giving such notice to furnish them with plans and particulars of the proposed development of any neighbouring land belonging to him the development of which is in their opinion likely

substantially to affect or be affected by the determination of the site of the proposed street and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after receiving the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the lands nor his successors in title shall carry out the development of such lands in such a manner as to conflict substantially with such plans and particulars as approved.

(4) If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(5) The owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

Further powers as to future line of street. 15 & 16 Geo. 5. c. 71.

63.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same

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shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to any owner lessee or tenant of any such building or erection for any loss or damage sustained by him in consequence of complying with such requirement.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Stopping up and diversion of highways.

64.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Corporation that a highway within the borough is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the borough can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted :

Provided that the Corporation shall not make an application under this section in regard to a county road without the consent of the county council which shall not be unreasonably withheld and any question

as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

Any such application or order may be made with respect to any length of a highway and in the subsequent provisions of this section any reference to a highway shall be construed as a reference to that length thereof to which the application or order relates.

(2) No order shall be made under subsection (1) of this section unless the court is satisfied that notice of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

(*a*) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway and (when the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of Transport and the county council; and

19 & 20 Geo. 5. c. 17.

(*b*) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as are reasonably sufficient for notifying persons using the highway of the application;

and that a similar notice (except that there may be substituted for the plan a statement of the place where such a plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the borough.

(3) On the hearing of such an application the Corporation and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

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42 & 43 Vict. c. 49.

23 & 24 Geo. 5. c. 38.

(4) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

(*a*) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;

(*b*) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal;

(*c*) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

(5) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever.

(6) Provided that—

(i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of every person interested in that land is produced to and deposited with the court; and

(ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

(7) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a highway the clerk of the court

shall forthwith transmit the order to the clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (6) of this section among the records of quarter sessions.

(8) Where any highway is diverted in accordance with an order made under this section the substituted highway shall be repairable by the person (if any) by whom the original highway was repairable.

(9) Any application or order under this section—

(*a*) may include two or more highways which are connected with each other;

(*b*) may relate to the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle way or footway.

(10) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

Power to vary width of carriageways and footways.

65. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport The Corporation shall not exercise the powers of this section in respect of any street situate upon a bridge over the railway of any railway company or upon the approaches thereto without the previous consent in writing of the railway company which consent shall not be unreasonably withheld Any question as to whether in any case such consent is unreasonably withheld shall be determined by arbitration under and subject to the provisions of the Arbitration Acts 1889 to 1934.

Power to define streets.

66. The Corporation may by order from time to time determine and declare the points or limits at or within which any street existing before the second

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day of March nineteen hundred and ten is to be taken as beginning and ending.

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Crossings for horses or vehicles over footways.

67.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from such premises the Corporation may either—

(*a*) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(*b*) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor-cycle subject to any condition other than the strengthening or adaptation of the footway any person who knowingly uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

7 Edw. 7. c. 53.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such

estimate may deposit with the Corporation the amount thereof When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

Power to place fences near school entrances &c.

68. For the purpose of preventing danger to pedestrians from traffic the Corporation may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools public baths public parks recreation grounds playing fields alley ways and passage ways exercise the like powers of placing fences rails and posts on the sides of any footways or carriageways of such roads as under section 149 of the Public Health Act 1875 are exerciseable by them as respects roads so repairable and the Corporation may from time to time repair renew maintain or remove any fences rails or posts so placed by them.

38 & 39 Vict. c. 55.

Power to provide tubs for trees &c.

69. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

As to pavement lights.

70.—(1) It shall be lawful for the owner or occupier of any property with the consent in writing of the Corporation to construct in any pavement forming part of any street in the borough any means (in this section referred to as "pavement lights") for the admission of light or air through such pavement to any room or premises situate under or adjoining the same.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

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(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

Signs over streets.

71.—(1) In this section "sign" means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) (*a*) If it appears to the Corporation that any sign which is placed over any street at the date of the passing of this Act is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(*b*) For a period of two years from the passing of this Act the foregoing provisions of this subsection shall not apply to any sign which was in use on the twentieth day of November nineteen hundred and thirty-six.

(3) (*a*) After the date of the passing of this Act no person shall without the consent of the Corporation place any sign over any street.

(*b*) The consent of the Corporation under this subsection shall not be withheld except on the ground that in their opinion the sign would be a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street and such consent may be given subject to such conditions as the Corporation may think fit.

(4) Any person who (*a*) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (*b*) after the date of the passing of this Act places any sign over any street

without the consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

(5) Nothing in this section shall apply to aircraft in flight.

Restriction on erection of temporary stands &c.

72.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for not less than twenty persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

(2) Any person acting in contravention of this section or offending against any such condition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any stand or structure erected by a person who is the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

As to hoardings and similar structures.

73.—(1) (*a*) No wall fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 of the Housing Act 1936; or

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(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

(*b*) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (*a*) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(*b*) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) The provisions of this section shall not apply to any wall erected on land belonging to a railway company so long as such land is used by the railway company primarily for railway purposes.

As to erection of hoardings &c. at street corners.

74.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit.

If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

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15 & 16 Geo. 5. c. 68. 25 & 26 Geo. 5. c. 47.

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925 or by section 1 or section 2 of the Restriction of Ribbon Development Act 1935.

As to barriers in streets.

75.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

Fire plugs.

76. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant within the borough or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Provisions as to forecourts.

77.—(1) If the Corporation shall by resolution determine that any stall structure or other erection or any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provisions as to moveable dwellings.

78.—(1) Any moveable dwelling standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Corporation to place any moveable dwelling so as to stand upon any square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to erection of retaining walls.

79.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway company or to any retaining wall erected thereon.

Power to order alteration of chimneys.

80. It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation in pursuance of a report by the medical officer or the sanitary inspector that any smoke gas or vapour from

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any chimney flue or pipe of a washhouse or outbuilding forming part of or in proximity to a dwelling-house in the borough is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

As to construction of buildings on land liable to subsidence.

81.—(1) Where in accordance with building bye-laws plans are deposited with the Corporation of any building which is intended to be erected on land where (by reason of mining operations) subsidences may be reasonably expected to occur the Corporation may for the purpose of securing the stability of the building require the site thereof to be covered with such materials and to such depth as the Corporation may having regard to the circumstances of each case reasonably prescribe.

(2) Any person failing to comply with the requirements of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Sanitary conveniences for workmen engaged on buildings.

82.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the Corporation and until the completion of any such erection construction or reconstruction maintain such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

83. Nothing contained in the sections of this Act whereof the marginal notes are—

Saving for London Midland and Scottish Railway Company.

"Frontage line in new streets";

"Development scheme may be required in connection with new streets"; and

"Further powers as to future line of street";

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the London Midland and Scottish Railway Company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by such company with the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

PART VI.

SEWERS AND DRAINS.

Apportionment to frontagers of expenses of sewer constructed under public highway.

84.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act of which the marginal note is "Provisions applicable to the two last preceding sections" the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the last-mentioned section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough but shall become operative as from the date

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of such publication Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Apportionment to frontagers of expenses of construction of sewer before land became a street.

85.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of the land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in on or over such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Provisions applicable to the two last preceding sections.

86.—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several

premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building :

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

(*a*) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;

(*b*) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building :

Provided that references in the said schedule to the date on which the restrictions

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came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

15 & 16 Geo. 5. c. 22.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

(7) Where such a resolution as is mentioned in the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment

is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Act of 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291;

Subsection (2) of section 293;

Section 329.

Improper construction or repair of watercloset or drain.

87.—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Penalty for throwing rubbish into streams.

88.—(1) Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the borough so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of water or to cause an obstruction shall be liable to a penalty not exceeding five pounds.

(2) Before the Corporation first take any steps for the purpose of enforcing the provisions of this section they shall consult with the River Trent Catchment Board in regard to those provisions and their enforcement by the Corporation.

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Part VII.

Disease and sanitary provisions.

Meaning of "disease" for purposes of certain sections.

89. The diseases to which the sections of this Act of which the marginal notes are "Parents &c. to notify certain diseases" "Power to close schools and exclude children from entertainments" and "Restrictions on attendance at schools and places of assembly" apply are notifiable diseases and any other disease which the Minister by regulation made under section 143 of the Act of 1936 declares to be a notifiable disease for the purposes of those sections or any of them.

Parents &c. to notify certain diseases.

90.—(1) As from the commencement of this section any parent or other person having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any disease to which this section applies in any person residing with him or is himself suffering from such a disease and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purpose of this section the expression "school" shall include a Sunday school.

Power to close schools and exclude children from entertainments.

91.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of a disease to which this section applies require the closing of any Sunday school or day school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any Sunday school or day school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

(3) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

Restrictions on attendance at schools and places of assembly.

92.—(1) As from the commencement of this section no person of or exceeding the age of sixteen years who has the custody charge or care of a child—

(*a*) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of a disease to which this section applies; or

(*b*) who is suffering from a disease to which this section applies; or

(*c*) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or day school or place of public entertainment or assembly without having procured from the medical officer or school medical officer or the medical practitioner attending the child a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or day school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

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(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Information to be furnished in case of notifiable disease.

93.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the existence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

Compensation to persons for ceasing employment to prevent spread of disease.

94. If any person at the request of the Corporation or the medical officer stop his employment for the purpose of preventing the spread of a notifiable disease the Corporation may make compensation to him for any loss occasioned by reason of such stoppage.

Entry into premises in case of disease.

95.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease :

Provided that the medical officer shall not under the powers of this section—

(*a*) enter any premises except between the hours of seven in the morning and ten in the evening; or

(*b*) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his power under this section shall

in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

Supply of antidotes against notifiable disease.

96. The Corporation may provide and supply (with or without charge therefor) to any registered medical practitioner antidotes and remedies against any notifiable disease.

Medical practitioners to notify cases of food poisoning.

97.—(1) Every registered medical practitioner attending on a person in the borough who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The Corporation shall pay to every registered medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

Extension of powers of section 72 of Public Health Act 1925.

98.—(1) Section 72 of the Public Health Act 1925 (except paragraphs (*d*) and (*e*) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply.

7 Edw. 7. c. 32.

(2) The said section shall in its application to the borough be read and have effect as if the following provisions were added after subsection (2) thereof (that is to say):—

"The occupier of any room to which this section applies and which is used for the preparation of food for sale or (except in the case of food contained in receptacles so closed as to

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PART VII. —*cont.*

exclude all risk of contamination) for the sale of food shall cause to be provided in connection with the room—

(*a*) a satisfactory water supply; and

(*b*) suitable washing sinks with a sufficient supply of hot water together with an adequate supply of soap and towels for the use for toilet purposes of persons employed therein."

Prohibition of blowing or inflating carcases.

99. It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the borough or to bring into the borough any carcase or part of a carcase so blown or inflated and any person so blowing or inflating any carcase or part of a carcase or bringing into the borough or exposing or depositing for sale within the borough a carcase or any part thereof so blown or inflated shall be liable to a penalty not exceeding five pounds.

Removal of infirm and diseased persons in certain cases.

100.—(1) If the medical officer certifies in writing that any person in the borough—

(*a*) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(*b*) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to the examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the

borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be:

Provided that where the institution to which the said person is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between that authority and the Corporation.

(4) An order under this section may be addressed to such officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court

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which made the order by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

Power to close slaughter-houses if injurious to public health.

101.—(1) (*a*) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

(*b*) Provided that not less than three months before making any such requirements in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so

injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(*c*) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner or occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

Discontinuance of offensive trade.

102.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 and the Corporation by resolution decide that it is inexpedient in the interests of public health or having regard to any change since the date of the establishment

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of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Corporation may serve on the owner or occupier of such premises notice in writing stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation:

Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of any other powers of the Corporation with reference to offensive trades.

Byelaws as to stables.

103. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (*a*) in or about or arising out of any such stable or (*b*) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

As to infected stables and other places.

104.—(1) Where it appears to the medical officer on a certificate by a duly registered veterinary surgeon that any infectious or parasitic disease has appeared

in any stable cowshed or other place where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corporation may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

Byelaws as to tipping refuse.

105.—(1) Section 81 of the Act of 1936 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

(2) The Corporation may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and a daily penalty not exceeding ten pounds.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Act of 1936 authorised to proceed with respect to a statutory nuisance of the existence of which they are satisfied and sections 93 to 98 inclusive of that Act shall apply accordingly.

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 of the Act of 1936 as applied by subsection (3) of this section nor shall any such offender be subjected

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in respect of one and the same period both to a daily penalty under the byelaws and to a penalty under section 95 of the Act of 1936 (as so applied) for failing to comply with an order or contravening an order.

(5) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway or canal company for the purpose of constructing widening or maintaining any railway canal dock or wharf works.

Byelaws relating to common lodging-houses.

106. Section 240 of the Act of 1936 shall operate so as to include the making by the Corporation of byelaws for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaws applicable thereto and of a placard setting forth the superficial area and the accommodation thereof.

Part VIII.

Food.

Registration of premises used in connection with sale of ice-cream or preserved food.

107.—(1) As from the commencement of this section no premises shall be used for any of the following purposes (that is to say):—

(*a*) the sale or the manufacture for purposes of sale of any commodity consisting of ice-cream or any substance similar thereto or the storage of any such commodity intended for sale; or

(*b*) the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for sale;

unless the premises are registered under this section for that purpose by the Corporation.

(2) If any person uses any premises in contravention of this section he shall be guilty of an offence and liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Every application for the registration of premises under this section shall be made by the owner or occupier of the premises or by the person intending to occupy them.

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PART VIII. —*cont.*

(4) If the Corporation are satisfied that any premises are unsuitable for use for any purpose for which they have been registered under this section or for which application for registration has been made under this section the Corporation may serve upon—

(*a*) the occupier for the time being of the premises or the person on whose application they were registered; or

(*b*) the person applying for registration;

as the case may be a notice requiring him to appear before them on such day not being earlier than seven days after the date of the notice as may be specified therein in order to show cause why the Corporation should not for the reasons specified in the notice cancel the registration of the premises for the said purpose or refuse the application and if that person fails to show cause to the satisfaction of the Corporation why they should not do so the Corporation may cancel the registration of the premises for that purpose or refuse the application Any such notice shall state the effect of the two next succeeding subsections.

(5) If the Corporation cancel the registration or refuse the application they shall if required by such occupier or person as aforesaid deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such cancellation or refusal is based.

(6) Any person appealing (under the section of this Act of which the marginal note is "As to appeals") against any decision of the Corporation under this section shall do so within fourteen days after the date of such decision.

(7) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter any premises in the borough to which he has reasonable cause to believe that the provisions of this section apply for the purpose of ascertaining—

(*a*) whether there is occurring therein any contravention of the said provisions; or

(*b*) in the case of premises which have been registered by the Corporation under this section for

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Part VIII. —*cont.*

any of the purposes specified in subsection (1) thereof or in respect of which application for such registration for any of those purposes has been made to them whether the premises are suitable for that purpose or any of the purposes specified in subsection (1) of this section :

Provided that in exercising the powers conferred on them by this section at any premises owned or used by a railway company the Corporation shall conform to such reasonable requirements of the company as are necessary to prevent obstruction to or interference with the working of the traffic of the railway thereat and the railway company shall not be liable for any accident or injury happening to any officer servant or agent of the Corporation upon any lines of rails belonging to the company or upon any land immediately adjoining any such lines of rails.

(8) For the purposes of this section the preparation of meat or fish by any process of cooking shall be deemed to be the preservation thereof.

(9) In relation to any premises used as a theatre music-hall or cinema this section shall have effect as if in paragraph (*a*) of subsection (1) of this section the words " the sale or " and the words " or the storage of any such commodity intended for sale " were omitted therefrom.

(10) This section shall not apply in relation to any premises used as a club hotel or restaurant.

For regulating manufacture and sale of ice-cream &c.

108.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough who omits on the occurrence of any notifiable disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any person so employed or resident suffering from any notifiable disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation

in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the said premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from a notifiable disease.

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises cart barrow or other vehicle stand pail container or receptacle or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(4) The provisions of this section shall not apply to theatres music halls or cinemas.

Byelaws as to food.

109.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport of food by a railway company the Corporation shall give notice to the company of their intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and such company shall be entitled to make representations to the Minister with regard thereto.

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PART VIII. —*cont.*

(3) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times to enter into and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings.

As to inspection of premises used for storage of food.

110.—(1) On any inspection of any room or yard carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis or bacteriological examination he shall forthwith notify to the occupier of such room or yard or his agent his intention to have the same analysed by the public analyst or examined by a bacteriologist appointed by the Corporation or employed by them for the purpose and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed or examined to the public analyst or such bacteriologist.

(2) The expression "public analyst" in this section means the analyst appointed in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

(3) If any such officer as aforesaid has reasonable ground for suspecting that any material commodity or article of food of which he takes a sample under the powers of this section is likely to cause the occurrence of food poisoning he may by notice in writing delivered to the occupier of the room or yard in which such material commodity or article is found or his agent require that such material commodity or article or any

part thereof shall not during such time not exceeding forty-eight hours as may be appointed by such notice or during any longer time which may with the consent of such occupier or his agent be appointed by a further notice delivered as aforesaid be removed except to any such place as may be specified in the notice.

As to sale of food from barrows &c.

111.—(1) As from the commencement of this section every dealer in any article intended for food vending his wares from any cart barrow vehicle or stall or from a basket pail container or similar receptacle used without a cart barrow vehicle or stall shall have his name and address legibly painted inscribed or displayed on such cart barrow vehicle pail basket container or receptacle or clearly exhibited on such stall and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings:

Provided that no person shall be liable to a penalty under the provisions of this subsection if the offence is one to which the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907 apply.

5 & 6 Geo. 5. c. 66.

(2) In this section the expression "stall" includes any structure or erection from which food is offered for sale in a street or other open space.

Penalty on original vendor of unsound food.

53 & 54 Vict. c. 59.

112.—(1) Where it is shown that any article liable to be seized under sections 116 to 119 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the said article he did not know and had no reason to believe that the said article was in such condition.

(2) Where any article of food has been condemned by a justice under the said section 117 as amended

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by the said section 28 the person to whom the same belongs or did belong at the time of deposit of such article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in the said section 117 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

(3) Before any article liable to be condemned under the said section 117 as amended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such article to a prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such article.

Further powers in relation to unsound food.

113. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or package whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale for food or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly Provided that nothing in this section shall authorise the inspection examination or search of any cart or other vehicle belonging to a railway company and used by them for the purposes of their traffic or of any basket sack bag or package in the possession of such company as carriers thereof.

Power to prohibit persons in advanced state of

114.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the borough in the cooking

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PART VIII. —*cont.* tuberculosis from selling &c. food.

preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) This section shall not apply to any employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

As to emaciated or diseased animals.

115.—(1) The market superintendent of the Corporation any officer of the market the sanitary inspector or any constable may remove or exclude from any market of the Corporation any emaciated or diseased animal or poultry which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease.

(2) The veterinary inspector or market superintendent of the Corporation or any officer of the market or the sanitary inspector or any constable may detain for a period not exceeding the hours of the market and three hours after the time fixed for the closing of the market on the day upon which such animal or poultry is so detained any emaciated

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or diseased animal or poultry brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

(3) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1935 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

Restriction on taking inedible fats into premises where food is prepared.

116. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for food into any premises in which any food into the composition of which fat enters is manufactured or prepared for sale shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of any food.

Byelaws as to inspection of meat.

117.—(1) If and when the Corporation shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 they may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation and for requiring any such meat or carcase to be taken for inspection to the abattoir of the Corporation or to such place as may be specified in the byelaws.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1925 and 1933 apply or which has been inspected and passed as fit for food by the medical officer of health for the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the borough but within a circle having a radius of twenty miles from the Guildhall of the borough for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1935 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(5) Before making any such byelaws the Corporation shall give to the Stoke-on-Trent and District Retail Meat Traders' Association and to the local branch of the Farmers' Union not less than one month's notice of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association and branch thereon before they submit them to the Minister for confirmation and such association and branch shall be entitled to make representations to the Minister with regard thereto.

Registration of purveyors of meat and premises.

118.—(1) As from the commencement of this section—

(*a*) any person being a butcher or vendor of or merchant or dealer in meat within the borough; and

(*b*) any premises within the borough used or proposed to be used for the sale or storage of meat;

shall be registered with the Corporation in a register to be kept by the medical officer in the case of any such person by himself and in the case of any such premises by the owner or occupier or intending owner or occupier thereof.

(2) No person shall within the borough carry on the business of a butcher or vendor of or merchant or dealer in meat unless he be so registered and no premises within the borough shall be used for the purposes aforesaid unless they be so registered.

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(3) In this section "meat" means the uncooked flesh (including edible offal) of cattle swine sheep or goats but does not include bacon and ham.

(4) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) The provisions of this section shall not apply to any person or premises registered in pursuance of the next succeeding section of this Act.

Registration of hawkers of meat fish fruit and vegetables and premises.

119.—(1) As from the commencement of this section the following provisions shall have effect in the borough :—

(*a*) any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart or other vehicle or from any basket barrow or other receptacle; and

(*b*) any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from a cart or other vehicle or from a basket barrow or other receptacle;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier or intending owner or occupier thereof.

(2) (*a*) No person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart or other vehicle or from any basket barrow or other receptacle unless he is so registered as aforesaid.

(*b*) No premises shall be used as storage accommodation for any meat or meat food product or fish

or fruit or vegetables intended for sale from a cart or other vehicle or from a basket barrow or other receptacle unless such premises are so registered as aforesaid.

(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) (*a*) The Corporation may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such premises are not suitable to be used for the purposes aforesaid :

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises Any such notice shall state the effect of paragraphs (*b*) and (*c*) of this subsection.

(*b*) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(*c*) Any person appealing to a court of summary jurisdiction (under the section of this Act of which the marginal note is "As to appeals") against any

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such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(5) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for meat or meat food product or fish or fruit or vegetables intended for sale from a cart or other vehicle or from a basket barrow or other receptacle.

(6) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(7) In and for the purposes of this section—

"meat" means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

"meat food product" means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

PART IX.

CAMPING GROUNDS.

Provision of camping grounds.

120.—(1) The Corporation may subject to the approval of the Minister by agreement purchase or take on lease land within the borough and equip and use any land so acquired or taken on lease or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of moveable dwellings as may be prescribed from time to time by the Corporation.

(2) The Corporation before applying for the approval of the Minister of the purchase taking

on lease equipping or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease equipped or used by them and also by advertisement in a local newspaper circulating in the borough and in such other manner (if any) as the Minister may direct The said notice shall state the matters mentioned in paragraph (*c*) of subsection (6) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the town clerk.

(3) Before signifying approval of the purchase taking on lease equipping or use by the Corporation of any land under this section the Minister shall consider any representations on the proposal of the Corporation which may be duly made and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(4) Before signifying such approval the Minister if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held under the provisions of the section of this Act of which the marginal note is " Inquiries by Minister " and the person holding the inquiry shall have regard to the matters mentioned in paragraphs (*a*) to (*c*) of subsection (6) of this section.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) Before signifying approval of the purchase taking on lease equipping or use by the Corporation of any land under this section the Minister shall consider the report made to him by the person holding

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any such inquiry and shall also have regard to (inter alia)—

(*a*) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties;

(*b*) the distance between and area of camping grounds in the neighbourhood whether provided by the Corporation under this section or not; and

(*c*) the area and situation of and the conditions as to the provision of water supply sanitation and otherwise proposed to be prescribed by the Corporation with respect to the proposed camping ground.

(7) Where the Corporation have provided under this section a camping ground the occupier of any moveable dwelling may (subject to any limitation on the number or definition of the class of moveable dwellings which may have been prescribed by the Corporation with respect to the use of that camping ground for moveable dwellings) encamp upon that camping ground upon payment of such fee as may be prescribed by the Corporation.

Temporary closing of camping grounds.

121.—(1) It shall be lawful for the Corporation by order to close during such period as they may determine and as may be specified in the order the whole or any portion of any camping ground provided by them if in their opinion the camping ground or such portion thereof—

(*a*) is in such a condition as to endanger the health either of the occupiers or the inhabitants of any moveable dwellings on the camping ground or of the public; or

(*b*) is a nuisance; or

(*c*) constitutes an annoyance to the residents in or visitors to the locality; or

(*d*) prejudicially affects the amenities of the locality.

(2) Any order made by the Corporation under this section shall be published in one or more local newspapers circulating in the borough and by placards posted in a conspicuous position on or near the camping ground to which the order relates and such order shall not come into force until such date as may be stated in the order and not being earlier than fourteen days after the completion of the publication of the order in accordance with the requirements of this subsection.

PART X.

FINANCIAL PROVISIONS.

Power to borrow.

122.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Power to borrow by issue of bonds.

123.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called "Newcastle-under-Lyme Corporation bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) Where the Corporation raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

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(3) The provisions set out in the Third Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

62 & 63 Vict. c. 9. 7 Edw. 7. c. 13.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

54 & 55 Vict. c. 39.

Application of Act of 1933 to existing sinking funds.

124. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

Dividend warrants by post.

125.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security other than stock that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

(3) The posting by the Corporation of a letter containing an order for the payment of interest or a

dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882. 45 & 46 Vict. c. 61.

Closing of transfer books.

126.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter consecutive period next before the date on which any instalment of interest on such authorised securities is payable.

(2) The persons who on the day of such closing are entered in any book or register as holders of any securities of the class of which the book or register is so closed shall as between them and the transferees of those securities be entitled to the interest next payable thereon.

Consolidated loans fund.

127.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-eight the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid—

(*a*) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

(*c*) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

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And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(*a*) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve capital reserve renewals repairs depreciation contingency accident insurance superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(*a*) The moneys so used shall be repaid to the lending fund as and when required for

meeting the obligations for which the said fund was established; and

(*b*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any such scheme as is referred to in the last preceding subsection of this section may be altered amended or revoked by a further scheme made in like manner as the original scheme.

As to operation of certain provisions of this Part of Act.

128. The sections of this Act of which the marginal notes are—

"Receipts and expenses";

"Accounts";

"Application of revenue of undertakings";

"As to surplus on gas revenue"; and

"Provision as to surplus electricity revenue";

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-seven.

Receipts and expenses.

129.—(1) Notwithstanding anything contained in any previous enactment all money received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(*a*) all money received by the Corporation on account of the revenue of any of the Corporation undertakings; and

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(*b*) interest and other annual proceeds from time to time received by the Corporation on the investments or balances forming part of any fund accumulated for the redemption of debt or as a reserve capital reserve renewals repairs depreciation contingency accident insurance consolidated loans capital or other similar fund (including any interest payable to any such fund in pursuance of the sections of this Act of which the marginal notes are "Consolidated loans fund" and "Use of "moneys forming part of sinking and other "funds");

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay apply or transfer to any such fund as is referred to in paragraph (*b*) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

Accounts.

130.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the Corporation undertakings and as to revenue shall show under a separate heading or division on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (*b*) of subsection (1) of the last preceding section of this Act provided in connection with the

undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show the amounts representing—

(*a*) the working and establishment expenses and cost of maintenance of the undertaking;

(*b*) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

(*c*) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of or connected with the undertaking;

(*d*) all other expenses (if any) of the undertaking properly chargeable to revenue;

(*e*) any money expended or applied for any of the purposes mentioned in subsection (1) of the next succeeding section of this Act.

(2) The Corporation shall show in their accounts relating to each undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application of revenue of undertakings.

131.—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (*b*) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the moneys paid applied or expended by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (*a*) (*b*) (*c*) and (*d*) of subsection (1) of the last preceding section of this Act the Corporation may

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in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

(*a*) In the reduction of capital moneys borrowed for the purposes of the undertaking;

(*b*) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking;

(*c*) In providing a reserve fund in connection with the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless applied in any other manner authorised by this Act) investing the same in statutory securities until the reserve fund so provided amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure for the time being of the Corporation on that undertaking and in the case of any other undertaking to the maximum reserve for the time being prescribed by the Corporation but not exceeding in the case of the gas undertaking and the Marsh Estate undertaking a sum equal to one-fifth of the aggregate capital expenditure of the Corporation upon those undertakings respectively.

(2) Any reserve or renewals or contingency or depreciation fund which has been formed for the purposes of any of the Corporation undertakings and which is in existence on the first day of April nineteen hundred and thirty-seven shall be carried to and form part of any reserve fund provided under this section in connection with that undertaking.

(3) The Corporation shall in every year so long as any reserve fund provided under this section is less than the maximum prescribed by or under this section transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect

f or on investments forming part of the reserve fund nd carried to the general rate fund.

(4) Any reserve fund provided under this section may be applied in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or (except in the case of the electricity undertaking) for payment of the cost of renewing improving or extending any works forming part thereof or otherwise for the benefit of that undertaking and so that if that reserve fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(5) Resort may be had to a reserve fund provided under the foregoing provisions of this section although such reserve fund may not at the time have reached or may have been reduced below the prescribed maximum.

As to surplus on gas revenue.

132. Notwithstanding anything contained in any previous enactment the following provisions shall apply with respect to the gas undertaking (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") (namely):—

If in any year the accounts of the undertaking kept under the section of this Act of which the marginal note is "Accounts" shall show that the revenue of the undertaking in respect of that year (including if and so long as any reserve fund provided in connection with the undertaking amounts to a sum equal to one fifth part of the aggregate capital expended for the time being upon the undertaking the interest and other annual proceeds arising from the investment of any part of that reserve fund) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes in relation to the undertaking which are mentioned in paragraphs (*a*) to (*e*) of subsection (1) of the section of this Act

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of which the marginal note is "Accounts" such sum as the Corporation may think fit (not being less in cases where such excess is more than a sum equal to one per centum of the total capital expenditure on the undertaking than the difference between such excess and such last-mentioned sum) shall for the purposes of the said section of this Act of which the marginal note is "Accounts" be credited to the revenue account of the undertaking in respect of the next following year and a reduction shall be made in the charges for gas supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the sum so credited to the revenue account of the undertaking:

Provided that if there is any increase in the estimated amount to be paid expended or set aside in the said next following year for the several purposes in relation to the undertaking which are mentioned in paragraphs (*a*) to (*e*) of subsection (1) of the section of this Act of which the marginal note is "Accounts" or any reduction in the estimated revenue of the undertaking for that year the sum to be so credited to the revenue account of the undertaking shall be reduced by the amount of such increase in the estimated amount to be paid expended and set aside or by the amount of such reduction in the estimated revenue or by both of those amounts (as the case may require).

Provision as to surplus electricity revenue.

16 & 17 Geo. 5. c. 51.

133.—(1) In lieu of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of the section of this Act of which the marginal note is "Application of revenue of undertakings") (namely):—

If in any year the accounts of the undertaking kept under the section of this Act of which the marginal note is "Accounts" shall show that the revenue of the undertaking in respect of that year (including the interest and annual proceeds received by the Corporation in that

year on the investments representing or forming part of any such fund as is referred to in paragraph (*b*) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" and as is provided in connection with the undertaking) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes in relation to the undertaking which are mentioned in paragraphs (*a*) to (*e*) of subsection (1) of the said section of which the marginal note is "Accounts" (the amount of such excess of revenue being in this section referred to as "the excess") then—

(*a*) if any such reserve does not amount to more than one-twentieth of the said aggregate capital a sum equal to the excess shall for the purposes of the said section of this Act of which the marginal note is "Accounts" be credited to the revenue account of the undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the excess;

(*b*) if any such reserve amounts to more than one-twentieth of the said aggregate capital such sum as the Corporation may think fit (not being less in cases where the excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between the excess and that sum) shall for the purposes of the said section of this Act of which the marginal note is "Accounts" be credited to the revenue account of the undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the sum so credited.

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(2) Subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be deemed to have ceased to be incorporated with any of the Acts or Orders relating to the electricity undertaking.

Capital reserve fund.

134.—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the Corporation undertakings) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation from time to time deem expedient:

Provided that—

(*a*) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;

(*b*) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

(2) (*a*) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(*b*) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

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Renewal and repairs fund.

135.—(1) The Corporation may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called "the renewal and repairs fund" (*a*) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the Corporation undertakings) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year and (*b*) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings (other than buildings forming part of or used for the purposes of the Corporation undertakings or buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account).

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed five thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the things referred to in subsection (1) of this section which are not comprised in the Corporation undertakings and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses but this section shall not apply to any appliances works equipment and buildings for the purposes of any of the Corporation undertakings or to buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account.

(4) (*a*) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(*b*) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income

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arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

Use of moneys forming part of sinking and other funds.

136. Notwithstanding anything contained in this Act or in any previous enactment the Corporation may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve capital reserve renewals repairs depreciation contingency accident insurance or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(*a*) The moneys so used shall be repaid out of the general rate or the general rate fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate or the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

(*b*) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any money so used and for the time being not repaid shall

be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used;

(*c*) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Part XI.

Miscellaneous provisions.

Annuities for widows.

137.—(1) In this section words and expressions to which meanings are assigned by the Act of 1922 have the same respective meanings unless there is something in the subject or context repugnant to such construction and in this section—

"the joint committee" means the Newcastle-under-Lyme and Wolstanton Superannuation Joint Committee;

"the clerk" means the clerk to the joint committee.

(2) Within one month before any date on which if he ceased to hold his office or employment an officer or servant of the Corporation would become entitled to a superannuation allowance under paragraph (*b*) or paragraph (*c*) of subsection (1) of section 6 of the Act of 1922 he may give notice in writing to the clerk requiring that the provisions of subsection (3) or subsection (4) of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance or (if he dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death and where any such notice is given then unless the joint committee (being of opinion that the state of health of such person regard being had to his age is not reasonably satisfactory) notify him within one month after the receipt by the clerk

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of the notice that they do not intend to comply with the requirement subsection (3) or subsection (4) of this section as the case may be shall apply and the other provisions of this section shall have effect:

Provided that a notice under this subsection may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance.

(3) In any case to which this subsection applies—

(*a*) the amount of the superannuation allowance payable to the officer or servant during the joint lives of himself and such wife as aforesaid shall in any case covered by the Fourth Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by an actuary to be just;

(*b*) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable under paragraph (*a*) of this subsection during their joint lives;

(*c*) if she predeceases him then as from the date of her death or his retirement whichever occurs last the superannuation allowance

payable to him shall be an amount equal to two-thirds of the amount which was or would have been payable under paragraph (*a*) of this subsection during their joint lives.

(4) In any case to which this subsection applies—

(*a*) the amount of the superannuation allowance payable to the officer or servant shall in any case covered by the Fifth Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by the actuary to be just;

(*b*) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him under the Act of 1922 if he had not given a notice under this section.

(5) The Minister may on application made by the Corporation by order alter as respects officers or servants giving notice under subsection (2) of this section after the date of the order any of the percentages specified in the Fourth and Fifth Schedules to this Act so far as may be necessary to secure that the benefits provided by this section for officers or servants and their wives shall be actuarially equivalent to the benefits to which the officers or servants would have been entitled if they had not given such notice as aforesaid.

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(6) The first payment of any superannuation allowance to a person under this section shall be accompanied by a statement showing the amount of any annuity which may become payable under this section.

(7) An annuity under this section shall be payable out of the superannuation fund established under the Newcastle-under-Lyme and Wolstanton Joint Superannuation Scheme Provided that if the superannuation allowance of the officer or servant was by reason of the proviso to subsection (1) of section 16 of the Act of 1922 not payable wholly out of the superannuation fund such proportion only of the annuity shall be paid out of the superannuation fund as corresponds to the portion of the said superannuation allowance which was so payable and the balance shall be charged to the accounts (forming part of the general rate fund) to which the salary or wages of the officer or servant to whom the allowance was granted are charged.

(8) If the officer shall die after becoming entitled to a superannuation allowance but before he would have been entitled to receive by way of superannuation allowance if he had not given notice under this section an amount in the aggregate equal to the amount of his contributions to the superannuation fund with compound interest thereon at three per centum per annum calculated by half-yearly rests the joint committee shall pay to his legal personal representative the difference between the amount which the officer would have been entitled to receive as aforesaid and the sum to which his contributions to such fund with such compound interest thereon at the rate and calculated as aforesaid amounted at the date of his retirement.

(9) In any case to which subsection (8) of this section applies the joint committee shall not be required to make any payment to the legal personal representative of the deceased officer under the provisions of subsection (2) of section 12 of the Act of 1922.

(10) An annuity under this section shall not be capable of assignment or transfer.

Power to provide concert halls &c.

138.—(1) The Corporation may provide concert halls entertainment rooms reading rooms pavilions and bandstands with all necessary and suitable offices

refreshment rooms kitchens cloak rooms lavatories conveniences and appliances.

(2) For the purposes aforesaid the Corporation may—

(*a*) erect or adapt buildings on any public park or pleasure ground belonging to them;

(*b*) acquire buildings or acquire land and erect buildings thereon;

(*c*) with the consent of the Minister adapt any premises or erect buildings on any land belonging to them but not already appropriated to entertainment purposes;

and may provide erect and maintain shops and offices as part of the buildings so acquired or erected.

(3) The Corporation may furnish and equip any premises provided by them under this section.

(4) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition or any other enactment relating to the sale of intoxicating liquor refreshments or tobacco.

(5) No power conferred upon the Corporation by this section shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held by the Corporation without an order of the High Court or of the Charity Commissioners or the Board of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

Dwelling-houses for Corporation's employees.

139.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the

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said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

Extension of section 8 of Rating and Valuation Act 1925.

140. Section 8 of the Rating and Valuation Act 1925 is hereby extended in its application to the borough so as to enable the Corporation in any resolution under that section directing that an allowance by way of discount shall be made on the amount due in respect of any general rate from every person who pays the net amount due before a date prescribed by the Corporation (in this section referred to as "the normal prescribed date") to prescribe and make applicable to the cases hereinafter in this section described or any of them a date or dates subsequent to the normal prescribed date (that is to say) cases in which—

(*a*) (i) any newly erected or newly constructed hereditament; or

(ii) an altered hereditament which has been out of occupation on account of structural alterations;

comes into occupation during the period in respect of which the rate is made but after the twenty-first day before the normal prescribed date;

(*b*) a change occurs in the occupation of any hereditament during the period in respect of which the rate is made but after the twenty-first day before the normal prescribed date;

(*c*) a decision of the assessment committee increasing the assessment of any hereditament is given after the twenty-first day before the normal prescribed date:

Provided that the provisions of this section shall apply in the cases referred to in the foregoing paragraph (*c*) only to the rate payable on the amount of the increase in rateable value of the hereditament.

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As to operation of section 11 of Rating and Valuation Act 1925.

141. The Corporation may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

Recovery of rate &c. from persons removing.

142. If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or any gas or water rate or charge which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

Noise nuisance.

143.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Act of 1936 Provided that no complaint shall be made to a justice under section 99 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (*a*) is injurious or dangerous to health and (*b*) is capable of being prevented or mitigated having due regard to all the circumstances of the case:

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means within the meaning of the said Act of preventing or mitigating it have been adopted.

(3) Nothing contained in this section shall apply to a railway company or their servants exercising statutory powers.

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PART XI. —*cont.*

(4) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

Registration of hairdressers' and barbers' premises.

144.—(1) As from the commencement of this section every person who shall within the borough carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose.

(2) The Corporation may make byelaws for the purpose of securing the cleanliness of any premises registered under this section and of the instruments towels and materials used in such premises.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section hung up in a conspicuous place in the registered premises.

(4) (*a*) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on.

(*b*) Every person who refuses to permit any officer or authorised representative of the Corporation to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this section to enter or inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises

in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter provided or acting in contravention of any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

For protection of Staffordshire Potteries Water Board.

145. For the protection of the Staffordshire Potteries Water Board (in this section referred to as "the board") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the board and the Corporation apply and have effect:—

(1) In this section "apparatus" means and includes all or any mains pipes syphons tubes meters fittings or other apparatus belonging to the board:

(2) (*a*) Not less than fourteen days before commencing any work authorised by the section of this Act of which the marginal note is "Power to construct electrical sub-stations under streets" (other than works to which section 18 of the Electric Lighting (Clauses) Act 1899 applies) within a distance of ten yards from any apparatus the Corporation shall deliver to the board all reasonable particulars of such works and the board may within fourteen days after the receipt of such particulars give notice to the Corporation of any objections which they may have to the construction of the work or to the proposed position thereof or as to any conditions which should reasonably apply with reference to the construction of such work having regard to the effect of such work upon any apparatus existing at the date of the delivery of the said notice to the Corporation and in particular if it is reasonably necessary so to do the board may by such notice require the Corporation in such manner as may be reasonably necessary to remove raise lower

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or otherwise alter the position of any apparatus or to support the same or to substitute temporarily or otherwise other apparatus or to lay or place under any apparatus cement concrete or other protective substance;

(*b*) The Corporation shall not execute the said work otherwise than as may be agreed between the board and the Corporation or in case of difference as shall be determined by arbitration as hereinafter provided and if the board do not within the said period of fourteen days give notice to the Corporation as aforesaid they shall be deemed to have approved the particulars as submitted to them;

(*c*) Not less than seven days before commencing the execution of the said work the Corporation shall give to the board notice of their intention to commence such execution and if within seven days after the receipt of such notice the board shall give notice to the Corporation of their desire themselves to lay or place any substituted apparatus or to execute any other works in connection with any of their apparatus which is or are to be laid or placed or executed pursuant to the provisions of this subsection it shall be lawful for the board instead of the Corporation to lay or place such apparatus or execute such works and the board shall thereupon lay or place or execute the same with all reasonable dispatch and the expense reasonably incurred by the board in so doing shall on demand be repaid to them by the Corporation:

(3) In any case where under the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" the Corporation propose to give up or to convey to an owner of land any part of a street in or under which any apparatus is laid or placed the Corporation shall (in addition to any notices given by them pursuant to the said section) give to the board notice in writing

of their proposal and notwithstanding any agreement entered into or conveyance executed by the Corporation under the said section the board shall have and may exercise the same powers rights and privileges with respect to such apparatus as if the land in or under which the same is laid or placed had continued to be part of the street or the board may at their option and if so required by the Corporation shall divert or alter the position of such apparatus to such position in and at such depth below the footway or carriageway of the street as altered under the said powers as the Corporation may reasonably require and any expense reasonably incurred by the board in effecting any such diversion or alteration as aforesaid shall on demand be repaid to them by the Corporation:

(4) (*a*) Whenever by virtue of the section of this Act of which the marginal note is "Stopping up and diversion of highways" any highway or part of a highway in which any apparatus is for the time being laid or placed is stopped up or diverted the board shall be at liberty to remove such apparatus to and relay the same in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other situation as the Corporation may reasonably approve or to provide and lay in such substituted highway or other situation similar apparatus equally suitable in lieu of such existing apparatus and the Corporation shall on demand repay to the board the cost reasonably incurred by them in laying (but not in providing) such similar apparatus;

(*b*) Whenever by reason of the exercise by the Corporation of the powers of the said section any apparatus of the board (other than apparatus for which new apparatus has been laid under the provisions of this subsection) is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the board such a sum as may be agreed between the board and the

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Part XI. —*cont.*

Corporation or as failing such agreement may be determined by arbitration as hereinafter provided to be the then value of such apparatus and such apparatus shall upon such payment become the property of the Corporation:

(5) (*a*) Not less than fourteen days before—

(i) pursuant to the section of this Act of which the marginal note is "Power to vary width of carriageways and footways" any portion of the footway in or under which any apparatus is for the time being situate is added to the carriageway; or

(ii) pursuant to the section of this Act of which the marginal note is "Crossings for horses or vehicles over footways" a carriage crossing is constructed across the footway of any street in or under which any apparatus is for the time being situate or the use of any such footway as a carriage crossing is allowed by the Corporation;

the Corporation shall give notice in writing to the board;

(*b*) The board may if reasonably necessary (and if so required by the Corporation shall) alter the position of any apparatus in or under such footway by relaying the apparatus in such position (under either the carriageway or the footway) and at such depth as the Corporation may reasonably approve or require and the Corporation shall pay to the board the reasonable expenses of and in connection with such alteration of position:

(6) The Corporation shall not in the exercise in or under any street in the borough of the powers of either of the sections of this Act of which the marginal notes are respectively "Power to place fences near school entrances &c." and "As to barriers in streets" divert alter the position of or in any way interfere with any apparatus situate in or under such street:

(7) If any difference shall arise between the Corporation and the board under this section such

difference shall be referred to and determined by an arbitrator to be appointed failing agreement upon the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference.

As to byelaws.

146. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister.

In executing works for owner Corporation liable for negligence only.

147. Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation the surveyor or the sanitary inspector shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Breach of conditions of consent of Corporation.

148. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

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PART XI. —*cont.*

Apportionment of expenses in case of joint owners.

149. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Compensation how to be determined.

150. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Damages and charges to be settled by court.

151. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

As to appeals.

152.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Parts V VII and VIII of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision

in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(*a*) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(*b*) the Corporation shall not execute such work or take such action; and

(*c*) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

Recovery of penalties &c.

153. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered

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PART XI. —*cont.*

in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Saving for indictments &c.

154. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Application of Act of 1936.

155.—(1) The following sections of the Act of 1936 shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say) :—

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

Section 289 (Power to require occupier to permit works to be executed by owner);

Section 293 (Recovery of expenses &c.);

Section 299 (Inclusion of several sums in one complaint &c.):

Provided that the said sections 287 288 and 289 shall only apply in relation to the provisions of Parts V VI VII and VIII of this Act.

(2) The following sections of the Act of 1936 shall extend and apply in relation to any local Act for the time being in force in the borough as if such sections were re-enacted in that local Act and in terms made applicable thereto (that is to say) :—

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);
Section 286 (Proof of resolutions &c.);
Section 299 (Inclusion of several sums in one complaint &c.);
Section 305 (Protection of members and officers of certain local authorities from personal liability).

(3) The following sections of the Act of 1936 shall extend and apply in relation to any public general Act (in addition to the Act of 1936) for the time being in force in the borough as if such sections were re-enacted in that public general Act and in terms made applicable thereto (that is to say):—

Section 284 (Authentication of documents);
Section 286 (Proof of resolutions &c.);
Section 299 (Inclusion of several sums in one complaint &c.).

Inquiries by Minister.

156. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Inquiries by Minister of Transport.

157.—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act.

(2) Section 290 of the Act of 1933 shall apply to any inquiry which the Minister of Transport causes to be held under this section or any other provisions of this Act.

Repeal.

158.—(1) The following sections of the Newcastle-under-Lyme Gas Order 1932 are hereby repealed as from the first day of April nineteen hundred and thirty-seven:—

Section 35 (Reserve fund for undertaking);
Section 36 (Separate accounts in respect of undertaking);
Section 37 (As to surplus on revenue account); and
Section 38 (As to deficiency on revenue account).

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Part XI. —*cont.*

(2) As from the first day of October nineteen hundred and thirty-seven section 41 (Several sums in one summons) of the Newcastle-under-Lyme Gas Order 1932 shall be repealed.

Commencement of certain provisions of this Act.

159.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the sections of this Act of which the marginal notes are—

"Parents &c. to notify certain diseases";

"Restrictions on attendance at schools and places of assembly";

"Registration of premises used in connection with sale of ice-cream or preserved food";

"As to sale of food from barrows &c.";

"Registration of purveyors of meat and premises";

"Registration of hawkers of meat fish fruit and vegetables and premises"; and

"Registration of hairdressers' and barbers' premises."

(4) As respects any of the said provisions which requires the licensing or registration of persons carrying on any business or of premises used for any purpose

it shall be lawful for any person who when such provision came into operation—

(*a*) was carrying on any such business or using any premises for any such purpose; and

(*b*) had made application in accordance with the provisions of this Act for such licence or registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of the section of this Act of which the marginal note is "As to appeals."

Notice to be given of certain provisions of Act.

160.—(1) Public notice of the effect of the sections of this Act of which the marginal notes are—

"Information to be furnished in case of notifiable disease";

"Medical practitioners to notify cases of food poisoning";

"Extension of powers of section 72 of Public Health Act 1925";

"Prohibition of blowing or inflating carcases";

"For regulating manufacture and sale of ice-cream &c.";

"Penalty on original vendor of unsound food"; and

"Restriction on taking inedible fats into premises where food is prepared";

shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Crown rights.

161. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

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PART XI. —*cont.*

Costs of Act.

162. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

NEWCASTLE-UNDER-LYME MARSH LANDS.

LANDS IN LEASE.

Name or description of lands.	Address or situation of lands.	Approximate area.		
		A.	R.	P.
House yard and outbuildings	12 King Street - -			5½
Do.	10 King Street - -			10
Do.	8 King Street - -			10
Offices yard and outbuildings	King Street (Messrs. Sprostons).			15
House yard and outbuildings	19 Hanover Street -			5
Workshop stables and coach-house.	Hanover Street - -			3
House garden and outbuildings	Windsor House King Street.		1	34
Offices yard outbuildings and dwelling-house.	Offices Nelson Place 2 Bagnall Street.			21
House yard and outbuildings	4 Bagnall Street -			3
Do.	6 do. -			3
Do.	8 do. -			3
Do.	10 do. -			3
Do.	12 do. -			3
Office house yard and out-buildings.	14 do. -			3
Garden - - - - -	Garden fronting offices Nelson Place.			17½
Offices house yard outbuildings and garden.	Offices 1 King Street and house Nelson Place.			33
Cinema and land fronting -	Plaza Cinema Nelson Place.			10½
Offices yard and outbuildings	2 King Street - -			7
House yard and outbuildings	4 do. - -			9
Shop and offices - - -	1 Brunswick Street -			7
House yard and outbuildings	3 do. - -			4
Do.	5 do. - -			2½
Do.	17 do. - -			5
Do.	19 do. - -			5
Do.	21 do. - -			8
Old malthouse and kiln -	Premises of Hanover Tile Company Hanover Street.			9

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1st Sch. —*cont.*

LANDS SUBJECT TO PERPETUAL RENTS.

Name or description of lands.	Address or situation of lands.	Approximate area. A.	R.	P.
Offices warehouse yard and sidings.	Railway goods yard and siding Brunswick Street.	1	2	37
Offices workshops and yard -	Builders' yard and premises Brunswick Street and North Street.		1	39⅓
Houses and gardens - -	Hassell Street - -		1	24
Land - - - - -	Part of Marsh Wharf Hanover Street.			30

SECURITIES AND MONEY.

Description.	Amount. £	s.	d.
Consolidated 2½ per cent. stock - - - -	4,500	0	0
Consolidated 2½ per cent. stock - - - -	488	8	8
3½ per cent. war stock - - - - -	150	0	0
Housing scheme loan to Newcastle-under-Lyme Corporation 4 per cent. - - - -	3,100	0	0
Do. do. at 4½ per cent. -	1,000	0	0
Do. do. at 5 per cent. -	450	0	0
Loan at 4 per cent. to executors of Wm. Sutton on mortgage of Lancaster Villa Newcastle -	235	0	0
Loan at 5 per cent. to executors of Ralph Cornes on mortgage of 48 West Street Newcastle -	75	0	0
Cash on deposit at bank - - - -	25	18	7

THE SECOND SCHEDULE.

Maximum prices.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Corporation charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter :—

(*a*) In respect of the quarters ending thirty-first March and thirty-first December For any amount up to fifteen units ten shillings and for each unit over fifteen units eight pence;

(*b*) In respect of the quarters ending thirtieth June and thirtieth September For any amount up to ten units six shillings and eight pence and for each unit over ten units eight pence.

Section 2.

Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under the regulations of the Electricity Commissioners.

THE THIRD SCHEDULE.

Provisions as to Corporation bonds.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

2.—(*a*) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine.

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3rd Sch. —*cont.*

(*b*) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(*c*) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the Guildhall Newcastle-under-Lyme on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(*a*) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(*b*) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :— 3rd Sch. —*cont.*

No.....
Date.....

Borough of Newcastle-under-Lyme.

Newcastle-under-Lyme Corporation Bonds.

.....per centum Newcastle-under-Lyme Corporation Bond repayable at par on the..... 19..... at the Guildhall Newcastle-under-Lyme.

This is to certify that.....of..... is the registered holder of a Corporation bond for..... ..... pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme under the Newcastle-under-Lyme Corporation Act 1937 at.....

The corporate seal of the mayor aldermen and burgesses of the borough of Newcastle-under-Lyme was hereunto affixed in the presence of

.....

Town clerk.

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a Corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

Form of Deed of Transfer.

Newcastle-under-Lyme Corporation Bonds.

I.....
in consideration of the sum of.....
paid by.....
(hereinafter called "the transferee") do hereby assign and transfer to the transferee.....
To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said.....subject to the conditions aforesaid.

As witness our hands and seals this..... day of.....in the year of our Lord one thousand nine hundred and.....

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3rd Sch. —*cont.*

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of Transfers of Newcastle-under-Lyme Corporation Bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

10. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

THE FOURTH SCHEDULE.

Percentage of the full superannuation allowance payable under the Act of 1922 to an officer or servant which may be paid during the joint lives of such officer or servant and his wife in order that (1) his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of the superannuation allowance payable during their joint lives and (2) the officer or servant shall be entitled to receive during the remainder of his life after the death of his wife an annuity equal to two-thirds of the amount of the superannuation allowance payable during their joint lives.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	87	—	—	—	—	—	—	—
51	87½	86½	—	—	—	—	—	—
52	88¼	87¼	86	—	—	—	—	—
53	89	88	86¾	85½	—	—	—	—
54	89¾	88¾	87½	86¼	85	—	—	—
55	90½	89½	88¼	87	85¾	84½	—	—
56	91¼	90¼	89	87¾	86½	85¼	84	—
57	92	91	89¾	88½	87¼	86	84¾	83½
58	93	92	90¾	89½	88¼	87	85¾	84¼
59	94	92¾	91¾	90½	89¼	88	86¾	85¼
60	95	93¾	92¾	91½	90¼	89	87¾	86¼
61	96	94¾	93¾	92½	91¼	90	88¾	87¼
62	97	95¾	94¾	93½	92¼	91	89¾	88¼
63	98	96¾	95¾	94½	93¼	92	90¾	89½
64	99¼	98	97	95¾	94½	93¼	92	90¾
65	—	99	98	97	95¾	94½	93¼	91¾
66	—	—	99¼	98¼	97	95¾	94¼	93
67	—	—	—	99½	98¼	97	95¾	94¼

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THE FIFTH SCHEDULE.

Percentage of the full superannuation allowance payable under the Act of 1922 which may be paid to an officer or servant during his lifetime in order that his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of such full superannuation allowance.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	81¾	—	—	—	—	—	—	—
51	83½	81	—	—	—	—	—	—
52	83	81¾	80¼	—	—	—	—	—
53	83¾	82½	81	79½	—	—	—	—
54	84½	83¼	81¾	80½	78¾	—	—	—
55	85¼	84	82¾	81¼	79¾	78	—	—
56	86	84¾	83½	82¼	80¾	79	77¼	—
57	86¾	85½	84¼	83	81½	80	78¼	76½
58	87½	86¼	85	83¾	82½	81	79¼	77½
59	88	87	85¾	84½	83¼	81¾	80¼	78½
60	88¾	87¾	86½	85½	84¼	82¾	81¼	79¾
61	89½	88½	87½	86¼	85	83¾	82¼	80¾
62	90¼	89¼	88¼	87¼	85¾	84½	83¼	81¾
63	90¾	90	89	88	86¾	85½	84¼	83
64	91¼	90½	89¾	88¾	87¾	86½	85¼	84
65	91¾	91	90¼	89½	88½	87½	86¼	85
66	92¼	91½	91	90¼	89¼	88¼	87¼	86
67	92½	92	91½	90¾	90	89	88	87

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